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10
11 **BEFORE THE**
12 **BOARD OF REGISTERED NURSING**
13 **DEPARTMENT OF CONSUMER AFFAIRS**
14 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2009-74

14 **RACHAEL LYNN MARIE JACOBSON**
15 **aka RACHAEL LYNN MARIE SITARZ**

155 Las Flores Drive, #13

16 San Marcos, California 92069

17 Registered Nurse License No. 583885

18 Respondent.

A C C U S A T I O N

19
20 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the
23 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
24 Affairs.

25 2. On or about July 24, 2001, the Board issued Registered Nurse License
26 Number 583885, to Rachael Lynn Marie Jacobson, also known as Rachael Lynn Marie Sitarz
27 ("Respondent"). The license is inactive and will expire on March 31, 2009, unless renewed.

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1 substances described in subdivision (a) of this section, in which
2 event the record of the conviction is conclusive evidence thereof.

3 (e) Falsify, or make grossly incorrect, grossly inconsistent,
4 or unintelligible entries in any hospital, patient, or other record
5 pertaining to the substances described in subdivision (a) of this
6 section.

7 7. Section 490 of the Code states:

8 (a) In addition to any other action that a board is permitted
9 to take against a licensee, a board may suspend or revoke a license
10 on the ground that the licensee has been convicted of a crime, if
11 the crime is substantially related to the qualifications, functions, or
12 duties of the business or profession for which the license was
13 issued.

14 (b) Notwithstanding any other provision of law, a board
15 may exercise any authority to discipline a licensee for conviction
16 of a crime that is independent of the authority granted under
17 subdivision (a) only if the crime is substantially related to the
18 qualifications, functions, or duties of the business or profession for
19 which the licensee's license was issued.

20 (c) A conviction within the meaning of this section means a
21 plea or verdict of guilty or a conviction following a plea of nolo
22 contendere. Any action that a board is permitted to take following
23 the establishment of a conviction may be taken when the time for
24 appeal has elapsed, or the judgment of conviction has been
25 affirmed on appeal, or when an order granting probation is made
26 suspending the imposition of sentence, irrespective of a subsequent
27 order under the provisions of Section 1203.4 of the Penal Code.

28 (d) The Legislature hereby finds and declares that the
application of this section has been made unclear by the holding in
Petropoulos v. Department of Real Estate (2006) 142 Cal. App.4th
554, and that the holding in that case has placed a significant
number of statutes and regulations in question, resulting in
potential harm to the consumers of California from licensees who
have been convicted of crimes. Therefore, the Legislature finds
and declares that this section establishes an independent basis for a
board to impose discipline upon a licensee, and that the
amendments to this section made by Senate Bill 797 of the 2007 -
08 Regular Session do not constitute a change to, but rather are
declaratory of, existing law.

8. California Code of Regulations, title 16, section 1444 states, in pertinent
part:

A conviction or act shall be considered to be substantially
related to the qualifications, functions or duties of a registered
nurse if to a substantial degree it evidences the present or potential
unfitness of a registered nurse to practice in a manner consistent
with the public health, safety, or welfare.

1 9. California Code of Regulations, title 16, section 1445 states, in pertinent
2 part:

3 (b) When considering the suspension or revocation of a
4 license on the grounds that a registered nurse has been convicted
5 of a crime, the board, in evaluating the rehabilitation of such
6 person and her eligibility for a license will consider the following
7 criteria:

- 8 (1) Nature and severity of the act(s) or offense(s).
- 9 (2) Total criminal record.
- 10 (3) The time that has elapsed since commission of the act(s) or
11 offense(s).
- 12 (4) Whether the licensee has complied with any terms of
13 parole, probation, restitution or any other sanctions
14 lawfully imposed against the licensee.
- 15 (5) If applicable, evidence of expungement proceedings pursuant to
16 Section 1203.4 of the Penal Code.
- 17 (6) Evidence, if any, of rehabilitation submitted by the licensee.

18 **COST RECOVERY**

19 10. Code section 125.3 provides, in pertinent part, that the Board may request
20 the administrative law judge to direct a licensee found to have committed a violation or
21 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
22 and enforcement of the case.

23 **DRUGS**

24 11. "Morphine" is a Schedule II controlled substance as designated by Health
25 and Safety Code section 11055(b)(1)(M).

26 12. "Fentanyl" is a Schedule II controlled substance as designated by Health
27 and Safety Code section 11055(c)(8).

28 **FIRST CAUSE FOR DISCIPLINE**

(April 21, 2005-Conviction of a Crime-False Prescription)

 13. Respondent is subject to discipline under Code section 2761(f), in that she
was convicted of crimes which are substantially related to the qualifications, functions or duties
of a licensed registered nurse as follows:

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2 a. On or about April 21, 2005, in the case of *People v. Rachel Lynn*
3 *Marie Jacobson*, (Super. Ct. San Diego County, Case No. CD189926), Respondent was
4 convicted by the Court on her plea of guilty of violating Health and Safety Code section
5 11373(a) (obtaining a prescription by fraud/deceit). Respondent admitted that on the dates
6 charged, she obtained (Fentanyl) prescription drugs by subterfuge. The circumstances of the
7 crime are as follows:

8 b. Between August 1, 2004, and August 30, 2004, Respondent
9 unlawfully obtained and attempted to obtain, and procure and attempted to procure, the
10 administration of, and prescription for controlled substances, to wit: Fentanyl, by fraud, deceit,
11 misrepresentation, subterfuge, and by the concealment of a material fact, and as set forth in
12 paragraph 15, below.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Conviction Involving Obtaining Controlled Substances)**

15 14. Respondent is subject to discipline under Code section 2761(a), on the
16 grounds of unprofessional conduct, as defined in Code section 2762(c), in that on or about
17 April 21, 2005, Respondent was convicted of a crime involving obtaining prescriptions for
18 controlled substances, as set forth above in paragraph 13 above, and paragraph 15, below.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)**

21 15. Respondent is subject to discipline under Code section 2761(a), on the
22 grounds of unprofessional conduct as defined in Code section 2762(e), in that between
23 August 1, 2004, and August 30, 2004, while employed as a registered nurse in the Neonatal Unit
24 at Children's Hospital, located in San Diego, California, Respondent falsified, made grossly
25 incorrect, grossly inconsistent or unintelligible entries in hospital or patient records for patients
26 to whom Respondent was not assigned, as follows:

27 **Patient 665:**

28 A. On or about August 1, 2004, at 0152 hours, Respondent signed

1 out 100 mcg/2ML ampule of Fentanyl for administration. Respondent failed to document the
2 administration or account for the disposition of the 100 mcg. of Fentanyl in any hospital or
3 patient record.

4 B. On or about August 1, 2004, at 0314 hours, Respondent signed out 100
5 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell^{1/}. Respondent
6 charted wasting 99.2 mcg., (documenting herself as the witness to the waste), but failed to
7 account for the disposition of the remaining .8 mcg. of Fentanyl in any hospital or patient record.
8 S.C. was not on duty, nor was S.C. assigned to care for this patient.

9 C. On or about August 1, 2004, at 0650 hours, Respondent signed out
10 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
11 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
12 patient record.

13 D. On or about August 5, 2004, at 1936 hours, Respondent signed out
14 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
15 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
16 patient record.

17 E. On or about August 5, 2004, at 2138 hours, Respondent signed out
18 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
19 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
20 patient record.

21 F. On or about August 6, 2004, at 0034 hours, Respondent signed out 100
22 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell. Respondent
23 charted wasting 99.2 mcg. of Fentanyl, (documenting herself as the witness to the waste), but
24 failed to account for the disposition of the remaining .8 mcg. in any hospital or patient record.
25 S.C. was not on duty, nor was S.C. assigned to care for this patient.

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28 1. Omnicell is a computerized disbursement and accounting machine used to dispense
controlled substances to nurses from satellite stations placed throughout a medical facility.

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2 G. On or about August 7, 2004, at 0532 hours, Respondent signed out
3 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
4 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
5 patient record.

6 H. On or about August 7, 2004, at 0646 hours, Respondent signed out
7 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
8 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
9 patient record.

10 I. On or about August 7, 2004, at 1946 hours, Respondent signed out
11 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
12 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
13 patient record.

14 J. On or about August 8, 2004, at 0033 hours, Respondent signed out
15 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
16 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
17 patient record.

18 K. On or about August 8, 2004, at 0514 hours, Respondent signed out
19 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
20 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
21 patient record.

22 L. On or about August 8, 2004, at 0642 hours, Respondent signed out
23 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
24 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
25 patient record.

26 M. On or about August 9, 2004, at 1934 hours, Respondent signed out
27 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
28 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or

1 patient record.

2 N. On or about August 9, 2004, at 2129 hours, Respondent signed out
3 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
4 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
5 patient record.

6 O. On or about August 9, 2004, at 2311 hours, Respondent signed out
7 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
8 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
9 patient record.

10 P. On or about August 10, 2004, at 0135 hours, Respondent signed out
11 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
12 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
13 patient record.

14 Q. On or about August 10, 2004, at 0347 hours, Respondent signed out
15 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
16 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
17 patient record.

18 R. On or about August 10, 2004, at 0656 hours, Respondent signed out
19 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
20 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
21 patient record.

22 S. On or about August 10, 2004, at 1929 hours, Respondent signed out
23 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
24 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
25 patient record.

26 T. On or about August 10, 2004, at 2104 hours, Respondent signed out
27 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
28 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or

1 patient record.

2 U. On or about August 11, 2004, at 0116 hours, Respondent signed out
3 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
4 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
5 patient record.

6 V. On or about August 11, 2004, at 0234 hours, Respondent signed out
7 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
8 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
9 patient record.

10 W. On or about August 11, 2004, at 0355 hours, Respondent signed out
11 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
12 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
13 patient record.

14 X. On or about August 11, 2004, at 0640 hours, Respondent signed out
15 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
16 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
17 patient record.

18 Y. On or about August 14, 2004, at 1955 hours, Respondent signed out
19 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
20 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
21 patient record.

22 Z. On or about August 14, 2004, at 2135 hours, Respondent signed out
23 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
24 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
25 patient record.

26 AA. On or about August 15, 2004, at 0324 hours, Respondent signed out
27 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
28 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or

1 patient record.

2 BB. On or about August 15, 2004, at 0526 hours, Respondent signed out
3 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
4 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
5 patient record.

6 CC. On or about August 15, 2004, at 0650 hours, Respondent signed out
7 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
8 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
9 patient record.

10 DD. On or about August 15, 2004, at 2022 hours, Respondent signed out
11 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
12 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
13 patient record.

14 EE. On or about August 16, 2004, at 0057 hours, Respondent signed out
15 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
16 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
17 patient record.

18 FF. On or about August 16, 2004, at 0530 hours, Respondent signed out
19 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
20 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
21 patient record.

22 GG. On or about August 19, 2004, at 1833 hours, Respondent signed out
23 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
24 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
25 patient record.

26 HH. On or about August 19, 2004, at 1856 hours, Respondent signed out
27 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
28 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or

1 patient record.

2 II. On or about August 19, 2004, at 2132 hours, Respondent signed out
3 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
4 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
5 patient record.

6 JJ. On or about August 19, 2004, at 2203 hours, Respondent signed out
7 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
8 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
9 patient record.

10 KK. On or about August 19, 2004, at 2302 hours, Respondent signed out
11 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
12 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
13 patient record.

14 LL. On or about August 20, 2004, at 0116 hours, Respondent signed out
15 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
16 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
17 patient record.

18 MM. On or about August 20, 2004, at 0203 hours, Respondent signed out
19 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
20 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
21 patient record.

22 NN. On or about August 20, 2004, at 0317 hours, Respondent signed out
23 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
24 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
25 patient record.

26 OO. On or about August 20, 2004, at 0439 hours, Respondent signed out
27 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
28 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or

1 patient record.

2 PP. On or about August 20, 2004, at 0440 hours, Respondent signed out
3 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
4 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
5 patient record.

6 QQ. On or about August 20, 2004, at 0544 hours, Respondent signed out
7 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
8 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
9 patient record.

10 RR. On or about August 20, 2004, at 0633 hours, Respondent signed out
11 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
12 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
13 patient record.

14 SS. On or about August 20, 2004, at 1841 hours, Respondent signed out
15 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
16 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
17 patient record.

18 TT. On or about August 20, 2004, at 2203 hours, Respondent signed out
19 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
20 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
21 patient record.

22 UU. On or about August 20, 2004, at 2241 hours, Respondent signed out
23 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
24 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
25 patient record.

26 VV. On or about August 21, 2004, at 0011 hours, Respondent signed out
27 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
28 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or

1 patient record.

2 WW. On or about August 21, 2004, at 0128 hours, Respondent signed out
3 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
4 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
5 patient record.

6 XX. On or about August 21, 2004, at 0252 hours, Respondent signed out
7 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
8 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
9 patient record.

10 YY. On or about August 21, 2004, at 0402 hours, Respondent signed out
11 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
12 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
13 patient record.

14 ZZ. On or about August 21, 2004, at 0635 hours, Respondent signed out
15 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
16 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
17 patient record.

18 AAA. On or about August 21, 2004, at 1838 hours, Respondent signed out
19 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
20 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
21 patient record.

22 BBB. On or about August 21, 2004, at 1932 hours, Respondent signed out
23 100mcg/2ML ampule of Fentanyl for administration, but failed to account for the disposition of
24 the 100 mcg. of Fentanyl in any hospital or patient record.

25 CCC. On or about August 21, 2004, at 2230 hours, Respondent signed out
26 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
27 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
28 patient record.

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2 DDD. On or about August 22, 2004, at 0114 hours, Respondent signed out
3 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
4 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
5 patient record.

6 EEE. On or about August 22, 2004, at 0304 hours, Respondent signed out
7 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
8 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
9 patient record.

10 FFF. On or about August 22, 2004, at 0550 hours, Respondent signed out
11 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
12 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
13 patient record.

14 GGG. On or about August 23, 2004, at 2038 hours, Respondent signed out
15 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
16 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
17 patient record.

18 HHH. On or about August 23, 2004, at 2104 hours, Respondent signed out
19 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
20 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
21 patient record.

22 III. On or about August 23, 2004, at 2135 hours, Respondent signed out 100
23 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell. Respondent
24 charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the waste), but
25 failed to account for the disposition of the remaining .8 mcg. in any hospital or patient record.
26 Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

27 JJJ. On or about August 23, 2004, at 2230 hours, Respondent signed out 100
28 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell. Respondent

1 charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the waste), but
2 failed to account for the disposition of the remaining .8 mcg. in any hospital or patient record.
3 Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

4 KKK. On or about August 24, 2004, at 0043 hours, Respondent signed out 100
5 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell. Respondent
6 charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the waste), but
7 failed to account for the disposition of the remaining .8 mcg. in any hospital or patient record.
8 Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

9 LLL. On or about August 24, 2004, at 0120 hours, Respondent signed out 100
10 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell. Respondent
11 charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the waste), but
12 failed to account for the disposition of the remaining .8 mcg. in any hospital or patient record.
13 Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

14 MMM. On or about August 24, 2004, at 0216 hours, Respondent signed out 100
15 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell. Respondent
16 charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the waste), but
17 failed to account for the disposition of the remaining .8 mcg. in any hospital or patient record.
18 Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

19 NNN. On or about August 24, 2004, at 0242 hours, Respondent signed out 100
20 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell. Respondent
21 charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the waste), but
22 failed to account for the disposition of the remaining .8 mcg. in any hospital or patient record.
23 Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

24 OOO. On or about August 24, 2004, at 0319 hours, Respondent signed out 100
25 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell. Respondent
26 charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the waste), but
27 failed to account for the disposition of the remaining .8 mcg. in any hospital or patient record.
28 Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

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2 PPP. On or about August 24, 2004, at 0420 hours, Respondent signed out 100
3 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell. Respondent
4 charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the waste), but
5 failed to account for the disposition of the remaining .8 mcg. in any hospital or patient record.
6 Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

7 QQQ. On or about August 24, 2004, at 0501 hours, Respondent signed out 100
8 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell. Respondent
9 charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the waste), but
10 failed to account for the disposition of the remaining .8 mcg. in any hospital or patient record.
11 Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

12 RRR. On or about August 24, 2004, at 0556 hours, Respondent signed out 100
13 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell. Respondent
14 charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the waste), but
15 failed to account for the disposition of the remaining .8 mcg. in any hospital or patient record.
16 Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

17 SSS. On or about August 24, 2004, at 0638 hours, Respondent signed out
18 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
19 Respondent charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the
20 waste), but failed to account for the disposition of the remaining .8 mcg. in any hospital or
21 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

22 TTT. On or about August 24, 2004, at 0716 hours, Respondent signed out
23 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
24 Respondent charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the
25 waste), but failed to account for the disposition of the remaining .8 mcg. in any hospital or
26 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

27 UUU. On or about August 24, 2004, at 0748 hours, Respondent signed out
28 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.

1 Respondent charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the
2 waste), but failed to account for the disposition of the remaining .8 mcg. in any hospital or
3 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

4 VVV. On or about August 24, 2004, at 1827 hours, Respondent signed out
5 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.

6 Respondent charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the
7 waste), but failed to account for the disposition of the remaining .8 mcg. in any hospital or
8 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

9 WWW. On or about August 24, 2004, at 1944 hours, Respondent signed out
10 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.

11 Respondent charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the
12 waste), but failed to account for the disposition of the remaining .8 mcg. in any hospital or
13 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

14 XXX. On or about August 24, 2004, at 2023 hours, Respondent signed out
15 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
16 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
17 patient record.

18 YYY. On or about August 24, 2004, at 2121 hours, Respondent signed out
19 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
20 Respondent charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the
21 waste), but failed to account for the disposition of the remaining .8 mcg. in any hospital or
22 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

23 ZZZ. On or about August 24, 2004, at 2202 hours, Respondent signed out
24 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
25 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
26 patient record.

27 AAAA. On or about August 24, 2004, at 2239 hours, Respondent signed out
28 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.

1 Respondent charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the
2 waste), but failed to account for the disposition of the remaining .8 mcg. in any hospital or
3 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

4 BBBB. On or about August 24, 2004, at 2311 hours, Respondent signed out
5 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
6 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
7 patient record.

8 CCCC. On or about August 24, 2004, at 2345 hours, Respondent signed out
9 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
10 Respondent charted wasting 99.2 mcg. of Fentanyl (documenting herself as the witness to the
11 waste), but failed to account for the disposition of the remaining .8 mcg. in any hospital or
12 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

13 DDDD. On or about August 25, 2004, at 0021 hours, Respondent signed out
14 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
15 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
16 patient record.

17 EEEE. On or about August 27, 2004, at 1846 hours, Respondent signed out
18 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
19 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
20 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
21 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

22 FFFF. On or about August 27, 2004, at 1856 hours, Respondent signed out
23 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
24 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
25 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
26 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

27 GGGG. On or about August 27, 2004, at 1903 hours, Respondent signed out
28 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of

1 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
2 patient record.

3 HHHH. On or about August 27, 2004, at 1912 hours, Respondent signed out
4 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
5 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
6 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
7 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

8 IIII. On or about August 27, 2004, at 1935 hours, Respondent signed out 100
9 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell. Respondent
10 charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the waste), but
11 failed to account for the disposition of the remaining 1.1 mcg. in any hospital or patient record.
12 Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

13 JJJJ. On or about August 27, 2004, at 1947 hours, Respondent signed out 100
14 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell. Respondent
15 charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the waste), but
16 failed to account for the disposition of the remaining 1.1 mcg. in any hospital or patient record.
17 Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

18 KKKK. On or about August 27, 2004, at 1955 hours, Respondent signed out
19 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
20 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
21 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
22 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

23 LLLL. On or about August 27, 2004, at 2010 hours, Respondent signed out
24 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
25 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
26 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
27 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

28 MMMM. On or about August 27, 2004, at 2019 hours, Respondent signed out

1 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.

2 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
3 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
4 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

5 NNNN. On or about August 27, 2004, at 2238 hours, Respondent signed out
6 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.

7 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
8 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
9 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

10 OOOO. On or about August 28, 2004, at 0017 hours, Respondent signed out
11 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.

12 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
13 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
14 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

15 PPPP. On or about August 28, 2004, at 0055 hours, Respondent signed out 100
16 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell. Respondent
17 charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the waste), but
18 failed to account for the disposition of the remaining 1.1 mcg. in any hospital or patient record.
19 Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

20 QQQQ. On or about August 28, 2004, at 0119 hours, Respondent signed out
21 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
22 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
23 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
24 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

25 RRRR. On or about August 28, 2004, at 0135 hours, Respondent signed out
26 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
27 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
28 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or

1 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

2 SSSS. On or about August 28, 2004, at 0208 hours, Respondent signed out
3 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
4 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
5 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
6 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

7 TTTT. On or about August 28, 2004, at 0234 hours, Respondent signed out
8 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
9 Respondent charted wasting 98.9 mcg., (documenting herself as the witness to the waste), but
10 failed to account for the disposition of the remaining 1.1 mcg. in any hospital or patient record.
11 Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

12 UUUU. On or about August 28, 2004, at 0329 hours, Respondent signed out
13 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
14 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
15 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
16 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

17 VVVV. On or about August 28, 2004, at 0445 hours, Respondent signed out
18 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
19 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
20 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
21 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

22 WWW. On or about August 28, 2004, at 0454 hours, Respondent signed out
23 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
24 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
25 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
26 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

27 XXXX. On or about August 28, 2004, at 0542 hours, Respondent signed out
28 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.

1 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
2 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
3 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

4 YYYYY. On or about August 28, 2004, at 0604 hours, Respondent signed out
5 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.

6 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
7 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
8 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

9 ZZZZ. On or about August 28, 2004, at 0621 hours, Respondent signed out
10 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.

11 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
12 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
13 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

14 AAAAA. On or about August 28, 2004, at 0641 hours, Respondent signed out
15 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.

16 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
17 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
18 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

19 BBBB. On or about August 28, 2004, at 0703 hours, Respondent signed
20 out 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 98.9 mcg.
21 of Fentanyl, but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
22 patient record.

23 CCCCC. On or about August 28, 2004, at 2057 hours, Respondent signed
24 out 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 98.9 mcg.
25 of Fentanyl, but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
26 patient record.

27 DDDDD. On or about August 28, 2004, at 2230 hours, Respondent signed out
28 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.

1 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
2 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
3 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

4 EEEEE. On or about August 29, 2004, at 0132 hours, Respondent signed out
5 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.

6 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
7 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
8 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

9 FFFFF. On or about August 29, 2004, at 0246 hours, Respondent signed out
10 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.

11 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
12 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
13 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

14 GGGGG. On or about August 29, 2004, at 0312 hours, Respondent signed out
15 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.

16 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
17 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
18 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

19 HHHHH. On or about August 29, 2004, at 0451 hours, Respondent signed out
20 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.

21 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
22 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
23 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

24 IIIII. On or about August 29, 2004, at 0609 hours, Respondent signed out 100
25 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell. Respondent
26 charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the waste), but
27 failed to account for the disposition of the remaining 1.1 mcg. in any hospital or patient record.
28 Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

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2 JJJJ. On or about August 29, 2004, at 0636 hours, Respondent signed out 100
3 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell. Respondent
4 charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the waste), but
5 failed to account for the disposition of the remaining 1.1 mcg. in any hospital or patient record.
6 Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

7 KKKKK. On or about August 29, 2004, at 1853 hours, Respondent signed out
8 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
9 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
10 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
11 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

12 LLLLL. On or about August 29, 2004, at 2006 hours, Respondent signed out
13 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 98.9 mcg. of
14 Fentanyl, but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
15 patient record.

16 MMMMM. On or about August 29, 2004, at 2039 hours, Respondent signed
17 out 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
18 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
19 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
20 patient record. Furthermore, S.C. was not on duty, nor was she assigned to care for this patient.

21 NNNNN. On or about August 29, 2004, at 2230 hours, Respondent signed out
22 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
23 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
24 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
25 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

26 OOOOO. On or about August 29, 2004, at 2337 hours, Respondent signed out
27 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
28 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the

1 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
2 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

3 PPPPP. On or about August 30, 2004, at 0040 hours, Respondent signed out
4 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
5 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
6 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
7 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

8 QQQQQ. On or about August 30, 2004, at 0220 hours, Respondent signed out
9 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
10 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
11 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
12 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

13 RRRRR. On or about August 30, 2004, at 0406 hours, Respondent signed out
14 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
15 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
16 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
17 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

18 SSSSS. On or about August 30, 2004, at 0606 hours, Respondent signed out
19 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 99.2 mcg. of
20 Fentanyl, but failed to account for the disposition of the remaining .8 mcg. in any hospital or
21 patient record.

22 TTTTT. On or about August 30, 2004, at 1410 hours, Respondent signed out
23 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
24 Respondent charted wasting 98.9 mcg. of Fentanyl (documenting herself as the witness to the
25 waste), but failed to account for the disposition of the remaining 1.1 mcg. in any hospital or
26 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.
27 In addition, Respondent was not on duty.

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2 **Patient 296:**

3 UUUUU. On or about August 29, 2004, at 1046 hours, Respondent signed
4 out 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
5 Respondent charted wasting 97.0 mcg. of Fentanyl (documenting herself as the witness to the
6 waste), but failed to account for the disposition of the remaining 3.0 mcg. in any hospital or
7 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.
8 In addition, Respondent was not on duty at 1046 hours.

9 VVVVV. On or about August 29, 2004, at 1123 hours, Respondent signed
10 out 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
11 Respondent charted wasting 97.0 mcg. of Fentanyl (documenting herself as the witness to the
12 waste), but failed to account for the disposition of the remaining 3.0 mcg. in any hospital or
13 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.
14 In addition, Respondent was not on duty at 1123 hours.

15 WWWWW. On or about August 30, 2004, at 0041 hours, Respondent signed
16 out 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
17 Respondent charted wasting 97.0 mcg. of Fentanyl (documenting herself as the witness to the
18 waste), but failed to account for the disposition of the remaining 3.0 mcg. in any hospital or
19 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

20 XXXXX. On or about August 30, 2004, at 0317 hours, Respondent signed
21 out 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
22 Respondent charted wasting 97.0 mcg. of Fentanyl (documenting herself as the witness to the
23 waste), but failed to account for the disposition of the remaining 3.0 mcg. in any hospital or
24 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

25 YYYYY. On or about August 30, 2004, at 0458 hours, Respondent signed
26 out 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 97.0 mcg.
27 of Fentanyl but failed to account for the disposition of the remaining 3.0 mcg. in any hospital or
28 patient record.

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2 ZZZZZ. On or about August 30, 2004, at 0606 hours, Respondent signed out
3 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 97.0 mcg. of
4 Fentanyl but failed to account for the disposition of the remaining 3.0 mcg. in any hospital or
5 patient record.

6 AAAAAA. On or about August 30, 2004, at 0724 hours, Respondent signed
7 out 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
8 Respondent charted wasting 97.0 mcg. of Fentanyl (documenting herself as the witness to the
9 waste), but failed to account for the disposition of the remaining 3.0 mcg. in any hospital or
10 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.

11 BBBBBB. On or about August 30, 2004, at 1411 hours, Respondent signed
12 out 100 mcg/2ML ampule of Fentanyl using nurse S.C.'s pass code to access the Omnicell.
13 Respondent charted wasting 97.0 mcg. of Fentanyl (documenting herself as the witness to the
14 waste), but failed to account for the disposition of the remaining 3.0 mcg. in any hospital or
15 patient record. Furthermore, S.C. was not on duty, nor was S.C. assigned to care for this patient.
16 In addition, Respondent was not on duty at 1411 hours.

17 **Patient 471:**

18 CCCCCC. On or about August 28, 2004, at 0736 hours, Respondent signed
19 out 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 97.0 mcg.
20 of Fentanyl, but failed to account for the disposition of the remaining 3.0 mcg. in any hospital or
21 patient record.

22 DDDDDD. On or about August 29, 2004, at 0031 hours, Respondent signed
23 out 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 97.0 mcg.
24 of Fentanyl, but failed to account for the disposition of the remaining 3.0 mcg. in any hospital or
25 patient record.

26 EEEEEEE. On or about August 29, 2004, at 2044 hours, Respondent signed
27 out 100mcg/2ML ampule of Fentanyl for administration. Respondent charted wasting 97.0 mcg.
28 of Fentanyl, but failed to account for the disposition of the remaining 3.0 mcg. in any hospital or

1 patient record.

2
3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Obtained, Possessed, and Self Administered Controlled Substances)**

5 16. Respondent is subject to discipline under Code section 2761(a), on the
6 grounds of unprofessional conduct as defined in Code section 2762(a), in that between
7 August 1, 2004, and August 31, 2004, while employed as a registered nurse in the Neonatal Unit
8 at Children's Hospital, located in San Diego, California, Respondent did the following:

9 a. Respondent obtained Fentanyl, a controlled substance, by fraud, deceit,
10 misrepresentation or subterfuge or by the concealment of a material fact in violation of Health
11 and Safety Code section 11173(a), by signing out Fentanyl for administration to various patients;
12 and signing out Fentanyl using nurse S.C.'s Omnicell pass code, and taking the controlled
13 substance for her own personal use.

14 b. Respondent possessed Fentanyl and Morphine, controlled substances, in
15 violation of Code section 4060, in that Respondent did not have a prescription to possess those
16 controlled substances.

17 c. Respondent self-administered Fentanyl and Morphine, controlled substances,
18 without the direction to do so from a licensed physician and surgeon, dentist or podiatrist as
19 evidenced by her drug screen of August 31, 2004 which was positive for the presence of
20 Fentanyl and Morphine in her system. Respondent had no valid prescription for Fentanyl or
21 Morphine, and no explanation for its presence in her system.

22 d. Complainant incorporates by reference paragraphs 13-15 above, as though
23 fully set forth herein.

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3 **PRAYER**

4 **WHEREFORE**, Complainant requests that a hearing be held on the matters
5 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 6 1. Revoking or suspending Registered Nurse License Number 583885,
7 issued to Rachael Lynn Marie Jacobson, also known as Rachael Lynn Marie Sitarz;
8 2. Ordering Rachael Lynn Marie Jacobson, also known as Rachael Lynn
9 Marie Sitarz to pay the Board of Registered Nursing the reasonable costs of the investigation and
10 enforcement of this case, pursuant to Code section 125.3; and,
11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: 9/26/08

13 
14 RUTH ANN TERRY, M.P.H., R.N.
15 Executive Officer
16 Board of Registered Nursing
17 Department of Consumer Affairs
18 State of California
19 Complainant

20 SD2007801215
21 Accusation (kdg) 8/12/08
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